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April 25, 2012

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: CSR-8541-O, Petition of SBCA  
Ex Parte Communication Pursuant to Section 1.1206 of the Rules

Dear Madam Secretary:

The City of Philadelphia ("City") hereby summarizes its meeting April 24th with Media Bureau staff and responds to an ex parte communication from SBCA, DirecTV and Dish Network dated April 11, 2012.

Michael Athay, Chief Deputy Solicitor, and Martha Johnston, together with the undersigned, met with Bureau Chief William Lake, Associate Chief Nancy Murphy, Policy Division Chief Mary Beth Murphy, Division Deputy Chief John Norton and Division Attorney Kenneth Lewis. We discussed the congruence between the City antenna ordinance's preference for residential satellite dish placement at locations other than the street facades of dwellings and the recommendations the industry makes to its installers in training materials found on the SBCA web site.<sup>1</sup> We repeated our view that the industry cannot credibly contend that an alternate-placement preference it recommends to its own installers constitutes an "impairment" of satellite video reception under the particular definition of "impairment" in the OTARD rule, 47 CFR § 1.4000(a)(3).

We also explained that the ordinance's preference applies to dish customers in multi-unit dwellings who seek placements outside "exclusive-use" areas such as balconies or patios, because the OTARD rule does not protect such locations. Nevertheless, although not required by the OTARD rule, if there is no location for adequate reception other than a street-facing façade, under the City ordinance, placement on the facade is permitted upon the installer's certification.

The industry's letter of April 11th accuses the City of misrepresenting its own ordinance by failing to distinguish the impairment standard's application to single-family homes from the different effect on multi-family residents. In fact the City's letter did reproduce, in its note 1, the language from both applications of the ordinance. As noted above, the distinction implemented

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<sup>1</sup> Letter of James Hobson to FCC Secretary of April 5, 2012, with educational slides attached.



in the ordinance lies in the OTARD rule itself.<sup>2</sup> However, the City ordinance accommodates multi-family building residents by allowing them to demonstrate, through the installer, that only a street façade placement will provide adequate reception.<sup>3</sup>

Sincerely,

James R. Hobson  
for BEST BEST & KRIEGER LLP

cc: William Lake, Nancy Murphy, Mary Beth Murphy John Norton, Kenneth Lewis; SBCA: Lisa Volpe McCabe; Todd Lantor; John Cimko

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<sup>2</sup> SBCA, DirecTV and Dish Network effectively concede this point by their Petition for Rulemaking to the FCC dated April 18, 2012.

<sup>3</sup> Section 9-632(4), City Ordinance